



STATE OF INDIANA

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January 8, 2010

Mr. Marcus D. Harden
0187 Linciln Quad
Terre Haute, IN 47809

Re: Informal Inquiry 09-INF-34; Harrison Township

Dear Mr. Harden:

This is in response to your informal inquiry dated October 1, 2009. I apologize for the delayed response. I took office in September of this year and found a backlog of informal inquiries at that time. I am currently endeavoring to work through the backlog and appreciate your patience in waiting for this opinion.

Pursuant to Ind. Code § 5-14-4-10(5), I issue the following opinion in response to your inquiry regarding Harrison Township (the "Township"). My opinion is based on applicable provisions of the Indiana Access to Public Records Act ("APRA"), I.C. § 5-14-3-1 *et seq.*

In your inquiry, you ask whether a public agency has the right to refer a public records requester to another agency if both agencies maintain the requested records. The public access counselor has stated that an agency may not deny a request for a document that the agency maintains merely on the basis that another agency, or department, also maintains the same document. *See Opinion of the Public Access Counselor 05-FC-122.*

However, an agency may make arrangements for a requester to inspect public records at another location where the documents may be more easily accessible. *Id.* Section 7 of the APRA requires a public agency to regulate any material interference with the regular discharge of the functions or duties of the public agency or public employees. I.C. §5-14-3-7(a). If a public agency receives a request for access and the fulfillment of that request would be more easily accomplished by the public agency arranges for the request to be fulfilled by another agency, it is my opinion that the public agency has not denied the request and has otherwise satisfied its obligations under the APRA.

I also note that nothing in the APRA requires an agency to retrieve records from another agency to fulfill a request. The APRA directs the requester to request records from the agency which maintains those records. *See I.C. § 5-14-3-3; Opinion of the Public Access Counselor 08-FC-204.*

If I can be of additional assistance, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink that reads "Andrew J. Kossack". The signature is written in a cursive style with a large, sweeping initial 'A'.

Andrew J. Kossack
Public Access Counselor